



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/505,336

03/21/2005

Lars Branden

1506-1075

7255

466 7590 06/15/2009

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

LU, FRANK WEI MIN

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

06/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/505,336	Applicant(s) BRANDEN ET AL.	
	Examiner FRANK W. LU	Art Unit 1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23, 26-28, 30 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-28, 30 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's response to the office action filed on March 30, 2009 has been entered. The claims pending in this application are claims 21-23, 26-28, 30, and 34 wherein claims 21-23 have been withdrawn due to the restriction requirement mailed on November 15, 2007. Rejection and/or objection not reiterated from the previous office action are hereby withdrawn in view of applicant's amendment filed on March 30, 2009.

Specification

2. The abstract submitted on March 30, 2009 has been accepted by the office.

Claim Objections

3. Claim 34 is objected to because of the following informalities: (1) "each linker molecule from step (d)" in step (h) should be "each of the linker molecules from step (d)"; and (2) "at least said first and second target molecules or areas" in step (h) should be "said first and second target molecules or areas".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 26-28, 30, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1634

6. Claim 26 is rejected as vague and indefinite in view of step i) because it is unclear that “which” means a first functional element or means a first binding element or means a molecule combination of a first functional element and a first binding element. Please clarify.

7. Claim 26 is rejected as vague and indefinite in view of step ii) because it is unclear that “which” means a first functional element or means a second binding element or means a molecule combination of a first functional element and a second binding element. Please clarify.

8. Claim 26 is rejected as vague and indefinite in view of optionally repeating steps i) to iv) because this step does not make sense. Does this step mean optionally repeating steps i) - iv) using functional elements other than the first and second functional elements and binding elements other than the first and second binding elements and forming stock solutions? Furthermore, it is unclear how the optionally repeating steps are correlated with the production of a biomolecular complex and it seems that the optionally repeating steps are unnecessary. Please clarify.

9. Claim 26 is rejected as vague and indefinite in view of step vi). Since step vi) only requires reacting said linker molecule connecting said first and second target molecules or areas of step v) with the molecular combination of any one of steps i) - iv) and one of steps i) - iv) only contains one functional element, it is unclear why said biomolecular complex comprising at least said first and second functional elements can be formed. Please clarify.

10. Claim 26 is rejected as vague and indefinite in view of step vi). Since the first part of step vi) does not require reacting a second linker molecule connecting said first and second target molecules or areas of step v) with the molecular combination of any one of steps i) - iv), it is

Art Unit: 1634

unclear why said first and second target molecules or areas are connected to each other by said linker molecule and optionally a second linker molecule. Please clarify.

11. Claim 34 is rejected as vague and indefinite in view of step (a) because it is unclear that “which” means a first functional element or means a specific binding element. Please clarify.

12. Claim 34 is rejected as vague and indefinite in view of step (b) because it is unclear that “which” means a second functional element or means a specific binding element. Please clarify.

13. Claim 34 is rejected as vague and indefinite in view of steps (i) and (j) because it is unclear that each linker molecule in step (i) means each individual linker molecule or means each linker molecule from a combination of functional elements attached to specific binding elements and target molecules. If each linker molecule in step (i) means each individual linker molecule and there are no complex formed by linker molecules and said first and second target molecules or areas, it is unclear why said biomolecular complex comprising said first and second functional elements, and first and second target molecules or areas can be produced as recited in step (j). Please clarify.

14. Claim 34 is rejected as vague and indefinite in view of steps (i) and (j). Since there is no second linker molecule in step (i), it is unclear why the first and second target molecules or areas can be attached by at least one first linker molecule and optionally a second linker molecule as recited in step (j). Please clarify.

Conclusion

15. No claim is allowed.

Art Unit: 1634

16. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Schultz, can be reached on (571)272-0763.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank W Lu /
Primary Examiner, Art Unit 1634
June 12, 2009